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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,751	09/15/2003	James D. Goss	67397-036 PUS1	1549

54549

7590

03/09/2009

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EXAMINER

KRAUSE, JUSTIN MITCHELL

ART UNIT

PAPER NUMBER

3656

MAIL DATE

DELIVERY MODE

03/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/662,751

Applicant(s)

GOSS ET AL.

Examiner

JUSTIN KRAUSE

Art Unit

3656

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8, 10-12, 14-16, 26, 28, 32-35, 40 and 43-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8, 10-12, 14-16, 26, 28, 32-35, 40, and 43-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

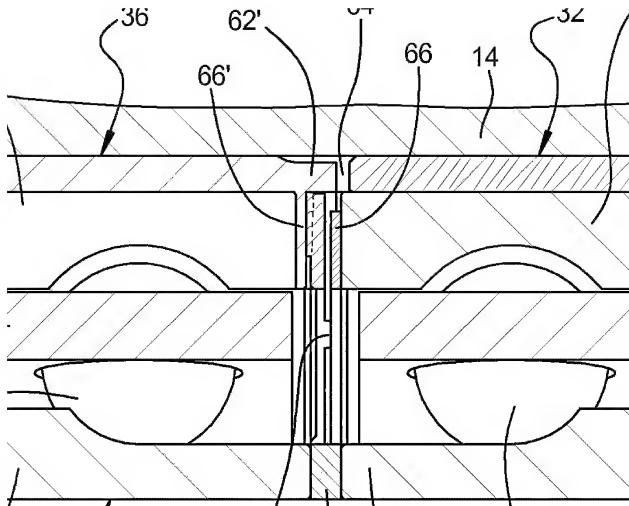
DETAILED ACTION

Drawings

The drawings filed December 1, 2008 are objected to because the cross hatching in figure 6 is incorrect. The drawings filed December 1, 2008 will not be entered. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The following is an enlarged image showing the proper cross hatching which should be displayed in figure 6:

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Claim Objections

Claims 16, 54 and 55 are objected to because of the following informalities:

In claim 16, "race" should be plural, --races--.

Claim 54 depends from claim 1, which is cancelled. Appropriate correction is required. Claim 54 is assumed to depend from claim 8 for the purpose of this Office Action.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8, 10-12, 14-16, 26, 28, 32-35, 40, and 43-56 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims refer to the same spring interchangeably as both a "generally flat spring" and a "generally planar spring". Applicant should select a single term to use consistently throughout the claims.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: rolling elements. The claim does not recite any rolling elements between the inner and outer races of the first and second bearings, required for operation of the device.

In claim 8, there is no antecedent basis for "the apparatus".

In claim 11, there is not proper antecedent basis for "the slots" and "the teeth" because claim 10 from which claim 11 depends recites "at least one", making possible the existence of a single slot and a single tooth on each cup. It is suggested that claim 11 recite --the at least one slot on the first and second bearing cups-- and --the at least one tooth on the first and second bearing cup--. Further, the teeth do not rotate within the slots, as each tooth is not mounted in a manner which facilitates rotation of the

tooth itself. It is suggested the claim recite, --the a least one tooth of the first bearing cup moves a predetermined distance in a circumferential direction in the at least one slot of the second bearing cup, and the at least one tooth of the second bearing cup moves a predetermined distance in the circumferential direction in the at least one slot of the first bearing cup.--

In claim 12, "the shoulders abutting the outer races" recites that both shoulders abut both outer races. It is suggested that the claim recite language which sets forth -- the first bearing cup having a first shoulder which abuts the first outer race, and the second bearing cup having a second shoulder which abuts the second outer race.--

In claim 26, there is no antecedent basis for "the first bearing cup plurality of slots".

Claim 26 recites, "the first bearing cup plurality of slots", whereas claim 28 recites "a multiple of slots" which is a double inclusion of the recitation of claim 26, since the "plurality" and "multiple" refer to the same group of slots. It applicant intends to correct the antecedent basis for "the first bearing cup plurality of slots" then the limitation should be removed from claim 28, as it would be duplicative.

In claim 47 and 49, there is no antecedent basis for "said shaft".

In claims 52-56, it is unclear how a "planar surface" has a thickness, since by definition a surface is two dimensional. Also, since the area of the spring which does not include raised portions has a thickness, the raised areas do not extend from opposite sides of the same planar surface, but two planar surfaces. It is suggested that

the spring be defined as --a ring element having a first thickness, first raised areas extending from a first side of the ring element, second raised areas extending from a second side of the ring element opposite the first side, the first and second raised areas having a thickness greater than the first thickness, the first and second raised areas being distributed at circumferential locations such that the raised areas are circumferentially offset--.

Allowable Subject Matter

Claims 8, 10-12, 14-16, 26, 28, 32-35, 40, and 43-56 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUSTIN KRAUSE whose telephone number is (571)272-3012. The examiner can normally be reached on Monday - Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Justin Krause/
Examiner, Art Unit 3656

/Thomas R. Hannon/
Primary Examiner, Art Unit 3656